

ESTTA Tracking number: **ESTTA324146**

Filing date: **12/28/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190169
Party	Defendant Susino USA, LLC
Correspondence Address	Todd Nadrich Susino USA, Ltd. PO BOX 1013 LOXAHATCHEE, FL 33470-1013 UNITED STATES tnadrich@stsource.com
Submission	Other Motions/Papers
Filer's Name	Todd Nadrich
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Signature	/Todd Nadrich/
Date	12/28/2009
Attachments	Applicants Request for Documents.pdf ( 18 pages )(49618 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of App. Ser. No. 77/355,544	)	
	)	
	)	
SUSINO UMBRELLA CO., LTD.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91190169
	)	
SUSINO USA, LLC	)	
	)	
Applicant,	)	

**DOCUMENT REQUESTS**

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120). Trademark Trial and Appeal Board Manual of Procedure § 408, and Federal Rule of Civil Procedure 34, Applicant SUSINO USA requests that Opposer SUSINO UMBRELLA produce for inspection and copying the documents and things listed below at the deposition of the Custodian of Records of SUSINO UMBRELLA to be held on January 22, 2009 at the offices of to be determined by the parties prior to the request is due.

For the purpose of this Request, the following definitions and instructions shall apply.

**DEFINITIONS**

1. The terms “SUSINO UMBRELLA ,” “you,” and “your” refer to Opposer and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.

2. The term “SUSINO USA ” refers to Applicant and includes any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.

3. The term SUSINO means any word, name, symbol or device or other designation of origin incorporating the letter string SUSINO or its phonetic equivalent, in which you claim rights, including any trademark, service mark, or Internet domain name, or any trademark or service mark application or registration.

4. The term SUSINO means, specifically, trademark application 79001855, for the mark SUSINO.

5. The term SUSINO means, specifically, trademark 79001855, for the mark SUSINO.

6. The term “person” means any natural person or any business, legal or governmental entity, or association.

7. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recording” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which

information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes or desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

8. The term “identify,” when referring to:

- a. a natural person, means to give his or her full name, present or last known address and telephone number, last known place of employment and job title;
- b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;
- c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location,

and who has possession, custody or control of the document;

d. a product, means to provide a description of the item which is offered for sale, and the intended customer groups, channels of trade, approximate price, and market for the product;

e. a service, means to describe the service and the intended customer groups, channels of trade, approximate price, and market for the service.

9. The term “communication” is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic, digital or other media.

10. The terms “relating to” and “related to” mean concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

11. The connectives “and” and “or” and the term “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all documents that might otherwise be construed to be outside its scope.

12. The use of a present tense shall include past tenses.

13. The use of the singular form of any word also includes the plural and *vice versa*.

14. The terms “all” and “each” shall each be construed to include the other.

### **INSTRUCTIONS**

1. You are requested to produce for inspection and copying all responsive documents and things in your possession, custody or control, including all documents and things in the custody of your attorneys, consultants, agents, other representatives, and other persons or entities subject to your control.

2. You are to produce the documents and things as they are kept in the ordinary course of business, with appropriate markings or designations so that it may be determined to which request they are responsive.

3. You are to produce the original and all non-identical copies of each requested document or thing, including all copies which bear any additional file stamps, marginal notes or other additional markings or writings that do not appear on the original. The production shall include the file, envelope, folder, binder, or other container in which the responsive documents and things are kept. If, for any reason, the container cannot be produced, you are to produce copies of all labels or other identifying markings.

4. Documents that exist in digital format and constitute or comprise

databases or other tabulations or collections of data or information should be produced in a machine-readable format to be mutually agreed upon by the parties. Documents that exist in digital format and constitute or comprise written communications between natural persons (e.g., e-mail messages, internal memos, letters, etc.) should be produced both in a machine-readable format to be mutually agreed upon by the parties and in hard-copy form.

5. If you cannot fully respond to any request after a diligent attempt, respond to the request to the extent possible and specify the portion of the request to which you are unable to respond.

6. If you claim that any request, definition or instruction is ambiguous, state the language you claim is ambiguous and the interpretation you have used to respond to the request.

7. If you contend that any document or thing has been lost or destroyed, set forth the contents of the document or thing, the location of any copies, the date of loss or destruction, the name of the person who ordered or authorized the destruction, if any, and the authority and reasons for such destruction.

8. If you decline to produce any information, document, or thing on this basis of the attorney-client, work product, or other privilege, respond to so much of the discovery request as is not subject to the claimed objection, and for each document or

thing, provide the following information:

- a. the type and title of the document or thing;
- b. the general subject matter of the document or description of the thing;
- c. the date of its creation;
- d. the identity of the document's author(s), addressee(s) and recipient(s);
- e. the nature of the privilege being claimed; and
- f. in detail, all facts upon which you base your claim of privilege.

9. With respect to any document stored on a machine-readable medium, please make available both a hard copy printout of the document and a copy of the computer or electronic tape, disc or other electronic medium on which the document is stored.

10. Complete production is to be made on the date and at the time indicated above.

11. You have a duty to supplement your responses from now until the time of hearing or trial, as provided by Federal Rule of Procedure 26(e).

## **DOCUMENTS AND THINGS REQUESTED**

### **DOCUMENT REQUEST NO. 1:**



All documents relating to the claim SUSINO USA was acting a “agent” or “middleman”.

**DOCUMENT REQUEST NO. 2:**

All documents relating to communications between you and Shu-lian Shyu and Todd Nadrich and Jorzon Wang.

**DOCUMENT REQUEST NO. 3:**

All documents relating to communications with third parties, other than your counsel, concerning SUSINO trademark umbrellas sold within the USA.

**DOCUMENT REQUEST NO. 4:**

All documents relating to actual confusion between you or any of your products and services, and SUSINO or any of its products or services.

**DOCUMENT REQUEST NO. 5:**

All documents sent to you or that you sent to Tony Tue, Patrick Lam, Jorzon Wang, Carter Guan, Todd Nadrich, Shu-lian Shyu or any other US company relating to any incident or proceeding in which

SUSINO USA has challenged your use or registration of, or that the rights you claim, in the rights to SUSINO including but not limited to any demand to cease and desist.

**DOCUMENT REQUEST NO. 6:**

All documents relating to any incident or proceeding in which a third party has

challenged your use or registration of, or the rights you claim in the SUSINO marks, including but not limited to any demand to cease and desist.

**DOCUMENT REQUEST NO. 7:**

All documents relating to any incident or proceeding in which you have challenged the rights of a third party based on the rights you claim to the SUSINO marks, including but not limited to any demand to cease and desist.

**DOCUMENT REQUEST NO. 8:**

All documents relating to your selection and/or adoption of all SUSINO marks.

**DOCUMENT REQUEST NO. 9:**

All documents relating to your decision to file the SUSINO application.

**DOCUMENT REQUEST NO. 10:**

All documents relating to your decision to file for the SUSINO registration.

**DOCUMENT REQUEST NO. 11:**

All documents relating to your decision to file trademark application for the SUSINO mark.

**DOCUMENT REQUEST NO. 12:**

All sales registers and invoices from January 1, 2002 – December 31, 2009 for sales to the USA.

**DOCUMENT REQUEST NO. 13:**

All documents relating to any trademark applications you have filed for the SUSINO including but not limited to any correspondence between you or your counsel, on the one hand, and the U.S. Patent and Trademark Office on the other.

**DOCUMENT REQUEST NO. 14:**

All documents relating to any communications between you or your counsel, on the one hand, and the U.S. Patent and Trademark Office, on the other hand, concerning trademark applications incorporating the word SUSINO led by anyone other than you.

**DOCUMENT REQUEST NO. 15:**

All documents relating to any investigation, trademark search, and/or other inquiry conducted by you, and/or on your behalf, in connection with assessing the availability, registrability, or use of the SUSINO.

**DOCUMENT REQUEST NO. 16:**

All documents relating to studies and/or surveys in connection with the use of the SUSINO word,

**DOCUMENT REQUEST NO. 17:**

All documents relating to studies, tests, ratings, and/or surveys in connection with your products and services including but not limited to requests from to Todd Nadrich.

**DOCUMENT REQUEST NO. 18:**

All documents relating to your selection, adoption and registration of any Internet domain names incorporating the word SUSINO.

**DOCUMENT REQUEST NO. 19:**

Document sufficient to identify every product and service on or in connection with

which you have used or are using the SUSINO marks.

**DOCUMENT REQUEST NO. 20:**

All documents relating to the dates of the first use, on or in connection with each of your products and services, of the SUSINO marks in the US.

**DOCUMENT REQUEST NO. 21:**

All documents relating to the dates of first use in commerce, on or in connection with each of your products and services, of SUSINO marks in the US.

**DOCUMENT REQUEST NO. 22:**

All documents relating to your past and present efforts to promote or expand public awareness of the SUSINO marks in the US.

**DOCUMENT REQUEST NO. 23:**

All documents relating to any license agreements, or consents to use, that you have granted to third parties for SUSINO marks worldwide.

**DOCUMENT REQUEST 24:**

All documents relating to your plans for future use of, or plans to license others in the future to use, the SUSINO marks worldwide.

**DOCUMENT REQUEST NO. 25:**

All documents relating to your use of the SUSINO marks on any product.

**DOCUMENT REQUEST NO. 26:**

All documents relating to your plans to use, or plans to license others to use, the SUSINO marks on all rainwear product.

**DOCUMENT REQUEST NO. 27:**

All documents relating to your use of the SUSINO marks in connection with SUSINO USA.

**DOCUMENT REQUEST NO. 28:**

All documents relating to your plans to use, or plans to license others to use, the SUSINO marks in connection with engineering services.

**DOCUMENT REQUEST NO. 29:**

All documents relating to your use of the SUSINO marks in connection with any and all third parties.

**DOCUMENT REQUEST NO. 30:**

All commission agreements and all documents relating to commissions paid to Jorzon Wang.

**DOCUMENT REQUEST NO. 31:**

Documents sufficient to show your annual expenditures on domestic advertising and marketing of the SUSINO since first use in the United States.

**DOCUMENT REQUEST NO. 32:**

Documents sufficient to show the geographic scope of your business and promotional activities using the SUSINO marks within the USA.

**DOCUMENT REQUEST NO. 33:**

One copy of each advertising, marketing, and promotional material showing use of the SUSINO marks on any goods or services, including but not limited to web pages, catalogs, circulars, leaflets, direct mail pieces, brochures, point of sale pieces, press releases, web-based advertisements (including but not limited to banner ads), newspaper and magazine advertisements and articles, transcripts and audio tapes for radio advertisements, and transcripts and video tapes of television advertisements.

**DOCUMENT REQUEST NO. 34:**

All documents relating to your policies regarding retention, storage, filing and destruction of electronic mail, documents and things.

**DOCUMENT REQUEST NO. 35:**

All documents relating to the target markets to which you have offered, or intended to offer, products or services identified by the SUSINO marks.

**DOCUMENT REQUEST NO. 36:**

All documents sufficient to identify trade shows or conferences that you have attended.

**DOCUMENT REQUEST NO. 37:**

All documents relating to the channels of trade through which you have sold or offered for sale products or services identified with the SUSINO marks designated by country.

**DOCUMENT REQUEST NO. 38:**

All documents sufficient to show the cost to your customers of all products or services you offer in connection with the SUSINO marks.

**DOCUMENT REQUEST NO. 39:**

All documents sufficient to identify the persons involved in design, sales, marketing, communications, business strategy, or business planning for SUSINO.

**DOCUMENT REQUEST NO. 40:**

Documents sufficient to show SUSINO UMBRELLA legal status and date founded,

including all documents related to the incorporation of SUSINO UMBRELLA.

**DOCUMENT REQUEST NO. 41:**

Documents sufficient to show SUSINO UMBRELLA legal status and date founded,

including all documents related to the incorporation of SUSINO UMBRELLA Corporation.

**DOCUMENT REQUEST NO. 42:**

Documents sufficient to show the legal relationship between ANBANG WANG and SUSINO USA.

**DOCUMENT REQUEST NO. 43:**

Documents sufficient to identify all officers, directors and owners of all predecessors, subsidiaries, parent companies, affiliated companies, and joint venturers (collectively, “Affiliates of SUSINO UMBRELLA”).

**DOCUMENT REQUEST NO. 44:**

Documents sufficient to show the legal relationship between ANBANG WANG and any Affiliates of SUSINO UMBRELLA.

**DOCUMENT REQUEST NO. 45:**

All documents sufficient to identify all advertising agencies or consultants engaged by you for advertising and promoting products or services on or in connection with which the SUSINO marks are or have been used.

**DOCUMENT REQUEST NO. 46:**

All documents sufficient to identify all advertising agency employees or



consultants that have the most knowledge of the advertisement and promotion of products or services offered under SUSINO marks.

**DOCUMENT REQUEST NO. 47:**

All documents related to e-mail communications directed to, addressed to, or intended for, or received by you.

**DOCUMENT REQUEST NO. 48:**

All documents related to communications, other than e-mail, directed to, addressed to, or intended for JORZON WANG but received by you.

**DOCUMENT REQUEST NO. 49:**

A copy of each print or online publication in which reference to you has appeared.

**DOCUMENT REQUEST NO. 50:**

All documents related to your knowledge of communications to acquire Dyno Merchandise with Todd Nadrich preceding your filing of an application for the SUSINO.

**DOCUMENT REQUEST NO. 51:**

Any and all communications concerning the acquired of rights of the USINO name in the USA.

Respectfully Submitted:

By: /s/ /Todd Nadrich/

Todd Nadrich  
Susino USA, Ltd  
PO Box 1013  
Loxahatchee, Fl. 33470  
Telephone: 954-252-3911  
Fax: 954-252-3911

**Certificate of Service**

I hereby certified that the above and forgoing REQUEST FOR DOCUMENTS served upon Opposers by  
depositing a copy of same in the United States Mail, first class postage prepaid, on this 23 day of December,  
2009, addressed to:

Anbang Wang  
Jinou Industrial Park  
Dongshi Town  
Jinjiang, FJ 352771  
China,

/s/ /Todd Nadrich/

Todd Nadrich